

FILED 1991

SENATE FILE **330**
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 208)

Passed Senate, Date 3/27/91 (p. 901) Passed House, Date _____
Vote: Ayes 41 Nays 6 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to tinted windows and making penalties
2 applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SS 330

1 Section 1. Section 321.438, subsection 2, Code 1991, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

31184 2. a. A person shall not operate a motor vehicle,
5 required to be registered within this state, on the highways
6 of this state if the motor vehicle has a sunscreen device on
7 the front windshield, on a side window to the immediate right
8 or left of the driver, on a sidewing forward of and to the
9 left or right of the driver or on windows to the rear of the
10 driver that do not meet the requirements of this subsection.

11 b. If a motor vehicle is not required to be registered in
12 this state, the motor vehicle shall be deemed to meet the
13 requirements of this subsection if the motor vehicle meets the
14 light reflectance and transmission requirements of the state
15 or country of registration.

16 c. A sunscreening device when used in conjunction with the
17 windshield shall not be red in color. A sunscreening device
18 may be used only along the top of the windshield and may not
19 extend downward beyond the point specified in 49 C.S.R. §
20 571.205, adopted as of a specific date by rule by the
21 department.

3125 3124 22 d. A sunscreening device which allows fifty percent or
23 more light transmittance may be applied to the safety glazing
24 materials, but the light transmittance from a combination of
25 the safety glazing materials and the sunscreening device shall
26 not be less than forty percent with a four percent light
27 transmittancy variance.

28 e. Sunscreen devices offered for sale or use in this state
29 may bear a label not to exceed one and one-half square inches
30 in size, with a means for the permanent and legible
31 installations between the sunscreening material and such
32 glazing surface to which it is applied that contains the
33 manufacturer's name and his percentage of light transmission.
34 The label shall be placed in the left lower corner of each
35 glazing surface when facing the vehicle from the outside.

1 f. As used in this subsection:

2 (1) "Light transmission" means the ratio of the amount of
3 total light to pass through a product or material to the
4 amount of the total light falling on the product or material.

5 (2) "Nonreflective" means a product or material designed
6 to absorb light rather than to reflect it.

7 (3) "Sunscreening device" means a film material or device
8 that is designed to be used in conjunction with motor vehicle
9 safety glazing materials for reducing the effects of the sun.

10 Sec. 2. Section 321.438, Code 1991, is amended by adding
11 the following new subsection:

3125, 3124, 3126
12 NEW SUBSECTION. 4. A person may operate a motor vehicle
13 equipped with windows which do not meet requirements under
14 subsection 2 if a light-sensitive disorder permit is kept in
15 the person's motor vehicle. The department shall issue a
16 light-sensitive disorder permit if the applicant files a
17 written statement signed by a licensed specialist which
18 certifies that the applicant suffers from a light-sensitive
19 disorder and that it is medically necessary for the applicant
20 to obtain a waiver of the transparency requirements of
21 subsection 2. Persons who may apply for a permit include the
22 operator of a motor vehicle and the operator's spouse, or
23 other family member related to the operator within the second
24 degree of consanguinity. A person operating a motor vehicle
25 with a light-sensitive disorder permit affixed to the motor
26 vehicle shall not be charged with a violation of subsection 2,
27 even though that person does not suffer from a light-sensitive
28 disorder. As used in this subsection, a licensed specialist
29 means a physician or osteopath licensed under chapter 146,
30 150, or 150A, or an optometrist licensed under chapter 151.
31 This exemption does not apply to commercial vehicles or
32 commercial motor vehicles.

33 EXPLANATION

34 This bill lowers the amount of light transmittance from the
35 current standard of 70 percent which is set by federal

1 regulation, to a minimum light transmittancy of 40 percent
2 with a 4 percent variance. The bill recognizes that a person
3 operating a motor vehicle registered in another state, must
4 meet the light reflectance and transmission requirements of
5 that state and will be deemed to have met the requirements of
6 this state.

7 A sunscreening device, which is defined as a film material
8 or device designed to be used in conjunction with glazing
9 materials to reduce the effects of the sun, cannot be red in
10 color and may be used only along the top of the windshield.
11 It cannot extend downward beyond the point specified in 49
12 C.F.R. § 571.205.

13 The bill also provides that suncreening devices for sale
14 within the state may bear a label which contains the
15 manufacturer's name and its percentage of light transmission.

16 The bill allows a person to obtain a permit from the state
17 department of transportation allowing the person to operate a
18 motor vehicle with a froed windshield, a froed side window or
19 froed sidwing which would otherwise be in violation of the
20 provisions of section 321.431, subsection 2. Persons who may
21 apply for a permit include the operator of a motor vehicle,
22 the operator's spouse, and other family members related to the
23 operator within the second degree of consanguinity. Persons
24 related within the second degree of consanguinity include
25 children, parents, grandchildren, brothers and sisters, and
26 grandparents. The applicant must present a signed scatement
27 from a licensed specialist indicating that it is medically
28 necessary for the applicant to operate a motor vehicle whose
29 light transmittance is lower than the present requirement. A
30 person operating a motor vehicle with a light-sensitive
31 disorder permit cannot be charged with a violation of section
32 321.438, subsection 2, even though that person does not suffer
33 from a light-sensitive disorder. This exemption does not
34 apply to commercial vehicles or commercial motor vehicles.

35 The penalty for use of improper equipment is a scheduled

1 violation of \$15, subject to surcharge and court costs.

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 330

S-3125

1 Amend Senate File 330 as follows:

2 1. Page 1, by striking lines 21 through 24 and

3 inserting the following: "department.

4 d. (1) The light transmittance from the
5 application of a sunscreening device to safety glazing
6 materials on a side window or siding to the left or
7 right of the driver shall not be less than seventy
8 percent.

9 (2) A sunscreening device which allows fifty
10 percent or more light transmittance may be applied to
11 the safety glazing materials on windows to the rear of
12 the driver, but the light transmittance from a
13 combination of".

14 2. Page 2, line 13, by inserting after the word
15 "with" the following: "side or rear".

16 3. Page 2, by striking lines 25 and 26 and
17 inserting the following: "shall not be charged with a
18 violation of subsection 2,".

19 4. Page 2, line 30, by striking the words and
20 figure ", or an optometrist licensed under chapter
21 154".

By MIKE CONNOLLY

S-3125 FILED MARCH 18, 1991

w/ls 3/27 (y 901)

SENATE FILE 330

S-3126

1 Amend Senate File 330 as follows:

2 1. Page 2, by striking lines 25 and 26 and
3 inserting the following: "shall not be charged with a
4 violation of subsection 2,".

5 2. Page 2, line 30, by striking the words and
6 figure ", or an optometrist licensed under chapter
7 154".

By MIKE CONNOLLY

S-3126 FILED MARCH 18, 1991

w/ls 3/27

SENATE FILE 330

S-3118

- 1 Amend Senate File 330 as follows:
2 1. Page 1, line 8, by striking the word "driver,"
3 and inserting the following: "driver or".
4 2. Page 1, by striking lines 9 and 10 and insert-
5 ing the following: "left or right of the driver that
6 do not meet the requirements of this subsection."

By LARRY MURPHY

S-3118 FILED MARCH 14, 1991

w/35 3/27 (j. 901)

SENATE FILE 330

S-3124

- 1 Amend Senate File 330 as follows:
2 1. Page 1, by striking lines 22 through 27 and
3 inserting the following:
4 "d. The net light transmittance from a combination
5 of safety glazing materials and sunscreening devices
6 on the side or rear windows shall not be less than
7 fifty percent".
8 2. Page 2, by inserting after line 9 the
9 following:
10 "(4) "Net light transmittance" means the combined
11 effect of any sunscreen device or safety glazing
12 material used on any motor vehicle window."
13 3. Page 2, by striking lines 25 and 26 and
14 inserting the following: "shall not be charged with a
15 violation of subsection 2,".
16 4. Page 2, line 30, by striking the words and
17 figure ", or an optometrist licensed under chapter
18 154".

By MIKE CONNOLLY

S-3124 FILED MARCH 18, 1991

w/35 3/27

SENATE FILE 330

H-3604

- 1 Amend Senate File 330, as passed by the Senate, as
2 follows:
3 1. Page 2, by striking lines 10 through 32.

By COMMITTEE ON TRANSPORTATION
KOENIGS of Mitchell, Chairperson

H-3604 FILED APRIL 12, 1991

Adopted 5/7/91 (p. 2151)

SENATE FILE 330

H-3646

- 1 Amend Senate File 330, as passed by the Senate, as
2 follows:

- 3 1. Page 1, by striking lines 22 through 24 and
4 inserting the following:
5 "d. (1) The light transmittance from the
6 application of a sunscreening device to safety glazing
7 materials on a side window or sidewing to the left or
8 right of the driver shall not be less than seventy
9 percent.
10 (2) A sunscreening device which allows fifty
11 percent or more light transmittance may be applied to
12 the safety glazing materials on windows to the rear of
13 the driver, but the light transmittance from a
14 combination of".

By LAGESCHULTE of Bremer

H-3646 FILED APRIL 16, 1991

Adopted 5/7/91 (p. 2151)

SENATE FILE 330

H-4038

- 1 Amend Senate File 330, as passed by the Senate, as
2 follows:
3 1. Page 1, line 29, by striking the word "may"
4 and inserting the following: "shall".

By TYRRELL of Iowa

H-4038 FILED MAY 2, 1991

SENATE FILE 330

H-4039

- 1 Amend Senate File 330, as passed by the Senate, as
2 follows:
3 1. Page 2, line 7, by inserting after the word
4 "a" the following: "nonreflective".

By WEIDMAN of Cass

H-4039 FILED MAY 3, 1991

SENATE FILE 330

H-4079

1 Amend Senate File 330, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 321.438, subsection 2, Code
6 1991, is amended to read as follows:

7 2. a. A Except as provided in paragraph "b", a
8 person shall not operate on the highway a motor
9 vehicle equipped with a front windshield, a side
10 window to the immediate right or left of the driver,
11 or a side-wing sidewing forward of and to the left or
12 right of the driver which is excessively dark or
13 reflective so that it is difficult for a person
14 outside the motor vehicle to see into the motor
15 vehicle through the windshield, window, or sidewing.
16 The department shall adopt rules establishing a
17 minimum measurable standard of transparency which
18 shall apply to violations of this subsection.

19 b. A person who operates a motor vehicle equipped
20 with a front windshield, a side window, or sidewing
21 which exceeds the minimum transparency standards
22 established by rule by the department, is not in
23 violation of paragraph "a" if that person is driving a
24 motor vehicle which is properly registered in another
25 state and if that state allows the transparency level
26 which is exhibited on the motor vehicle."

By SPEAR of Lee

H-4079 FILED MAY 7, 1991

SENATE FILE 330

H-4092

1 Amend the amendment, H-4079, to Senate File 330, as
2 passed by the Senate, as follows:

3 1. Page 1, line 11, by striking the word "or" and
4 inserting the following: "or".

5 2. Page 1, line 12, by inserting after the word
6 "driver" the following: ", or a rear windshield".

7 3. Page 1, by striking lines 16 through 18 and
8 inserting the following: "~~The department shall adopt~~
9 ~~rules establishing a minimum measurable standard of~~
10 ~~transparency which shall apply to violations of this~~
11 ~~subsection. In no instance shall the net light~~
12 ~~transmittance allowed on any window be less than~~
13 ~~seventy percent."~~

By SHEARER of Louisa
SPEAR of Lee

H-4092 FILED MAY 8, 1991

SENATE FILE 330

H-4102

1 Amend the amendment, H-4079, to Senate File 330, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 12, by inserting after the word
5 "driver" the following: "or a window to the rear of
6 the driver".

7 2. Page 1, by striking lines 16 through 18 and
8 inserting the following: "~~The department shall adopt~~
9 ~~rules establishing a minimum measurable standard of~~
10 ~~transparency which shall apply to violations of this~~
11 ~~subsection. In no instance shall the net light~~
12 ~~transmittance allowed on any window be less than~~
13 ~~seventy percent.~~"

By SHEARER of Louisa
WEIDMAN of Cass
SPEAR of Lee

H-4102 FILED MAY 9, 1991

GETTINGS, CH.

KINLEY

PATE

SSB 208

TRANSPORTATION

SENATE FILE 330

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON FRAISE)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to tinted windows and making penalties
2 applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

1 Section 1. Section 321.438, subsection 2, Code 1991, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 2. a. A person shall not operate a motor vehicle,
5 required to be registered within this state, on the highways
6 of this state if the motor vehicle has a sunscreen device on
7 the front windshield, on a side window to the immediate right
8 or left of the driver, on a sidewing forward of and to the
9 left or right of the driver or on windows to the rear of the
10 driver that do not meet the requirements of this subsection.

11 b. If a motor vehicle is not required to be registered in
12 this state, the motor vehicle shall be deemed to meet the
13 requirements of this subsection if the motor vehicle meets the
14 light reflectance and transmission requirements of the state
15 or country of registration.

16 c. A sunscreening device when used in conjunction with the
17 windshield shall not be red in color. A sunscreening device
18 may be used only along the top of the windshield and may not
19 extend downward beyond the point specified in 49 C.F.R. §
20 571.205, adopted as of a specific date by rule by the
21 department.

22 d. A sunscreening device which allows fifty percent or
23 more light transmittance may be applied to the safety glazing
24 materials, but any such device shall not exceed a light
25 reflectance of fifteen percent.

26 e. Sunscreen devices offered for sale or use in this state
27 may bear a label not to exceed one and one-half square inches
28 in size, with a means for the permanent and legible
29 installations between the sunscreening material and each
30 glazing surface to which it is applied that contains the
31 manufacturer's name and its percentage of light transmission.
32 The label shall be placed in the left lower corner of each
33 glazing surface when facing the vehicle from the outside.

34 f. As used in this subsection:

35 (1) "Light transmission" means the ratio of the amount of

1 total light to pass through a product or material to the
2 amount of the total light falling on the product or material.

3 (2) "Nonreflective" means a product or material designed
4 to absorb light rather than to reflect it.

5 (3) "Sunscreening device" means a film material or device
6 that is designed to be used in conjunction with motor vehicle
7 safety glazing materials for reducing the effects of the sun.

8 Sec. 2. Section 321.438, Code 1991, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 4. A person may operate a motor vehicle
11 equipped with windows which do not meet requirements under
12 subsection 2 if a light-sensitive disorder permit is properly
13 affixed to the person's motor vehicle. The department shall
14 issue a light-sensitive disorder permit if the applicant files
15 a written statement signed by a licensed vision specialist
16 which certifies that the applicant suffers from a light-
17 sensitive disorder and that it is medically necessary for the
18 applicant to obtain a waiver of the transparency requirements
19 of subsection 2. Persons who may apply for a permit include
20 the operator of a motor vehicle and the operator's spouse, or
21 other family member related to the operator within the second
22 degree of consanguinity. A person operating a motor vehicle
23 with a light-sensitive disorder permit affixed to the motor
24 vehicle shall not be charged with a violation of subsection 2,
25 even though that person does not suffer from a light-sensitive
26 disorder. As used in this subsection, a licensed vision
27 specialist means a physician or osteopath licensed under
28 chapter 148, 150, or 150A, or an optometrist licensed under
29 chapter 154. This exemption does not apply to commercial
30 vehicles or commercial motor vehicles.

31

EXPLANATION

32 This bill lowers the amount of light transmittance from the
33 current standard of 70 percent which is set by federal
34 regulation, to 35 percent light transmittancy. The bill
35 recognizes that a person operating a motor vehicle registered

1 in another state, must meet the light reflectance and
2 transmission requirements of that state and will be deemed to
3 have met the requirements of this state.

4 A sunscreening device, which is defined as a film material
5 or device designed to be used in conjunction with glazing
6 materials to reduce the effects of the sun, cannot be red in
7 color and may be used only along the top of the windshield.
8 It cannot extend downward beyond the point specified in 49
9 C.F.R. § 571.205.

10 The bill also provides that suncreening devices for sale
11 within the state may bear a label which contains the
12 manufacturer's name and its percentage of light transmission.

13 The bill allows a person to obtain a permit from the state
14 department of transportation allowing the person to operate a
15 motor vehicle with a front windshield, a front side window or
16 front sidewing which would otherwise be in violation of the
17 provisions of section 321.438, subsection 2. Persons who may
18 apply for a permit include the operator of a motor vehicle,
19 the operator's spouse, and other family members related to the
20 operator within the second degree of consanguinity. Persons
21 related within the second degree of consanguinity include
22 children, parents, grandchildren, brothers and sisters, and
23 grandparents. The applicant must present a signed statement
24 from a licensed vision specialist indicating that it is
25 medically necessary for the applicant to operate a motor
26 vehicle whose light transmittance is lower than the present
27 requirement. A person operating a motor vehicle with a light-
28 sensitive disorder permit cannot be charged with a violation
29 of section 321.438, subsection 2, even though that person does
30 not suffer from a light-sensitive disorder. This exemption
31 does not apply to commercial vehicles or commercial motor
32 vehicles.

33 The penalty for use of improper equipment is a scheduled
34 violation of \$15, subject to surcharge and court costs.

35